

115TH CONGRESS  
2D SESSION

# S. 2385

To establish best practices for State, tribal, and local governments participating in the Integrated Public Alert and Warning System, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2018

Mr. SCHATZ (for himself, Ms. HARRIS, Mr. GARDNER, Mr. SULLIVAN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish best practices for State, tribal, and local governments participating in the Integrated Public Alert and Warning System, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Authenticating Local  
5 Emergencies and Real Threats Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7       In this Act—

8              (1) the term “Administrator” means the Ad-  
9 ministrator of the Agency;

1                             (2) the term “Agency” means the Federal  
2                             Emergency Management Agency;

3                             (3) the term “public alert and warning system”  
4                             means the integrated public alert and warning sys-  
5                             tem of the United States described in section 526 of  
6                             the Homeland Security Act of 2002 (6 U.S.C.  
7                             321o); and

8                             (4) the term “State” means any State of the  
9                             United States, the District of Columbia, the Com-  
10                             monwealth of Puerto Rico, the Virgin Islands,  
11                             Guam, American Samoa, the Commonwealth of the  
12                             Northern Mariana Islands, and any possession of the  
13                             United States.

14 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYS-**  
15                             **TEM SUBCOMMITTEE.**

16                             Section 2 of the Integrated Public Alert and Warning  
17                             System Modernization Act of 2015 (Public Law 114–143;  
18                             130 Stat. 327) is amended—

19                             (1) in subsection (b)—

20                                 (A) in paragraph (6)(B)—

21                                     (i) in clause (i), by striking “and” at  
22                                     the end;

23                                     (ii) in clause (ii)(VII), by striking the  
24                                     period at the end and inserting “; and”;  
25                                     and

3                         “(iii) recommendations for best prac-  
4                         tices of State, tribal, and local govern-  
5                         ments to follow to maintain the integrity of  
6                         the public alert and warning system, in-  
7                         cluding—

1                         “(II) the standardization,  
2 functionality, and interoperability of  
3 incident management and warning  
4 tools used by State, tribal, and local  
5 governments to notify the public of an  
6 emergency through the public alert  
7 and warning system;

8                         “(III) the training and recertifi-  
9 cation of emergency management per-  
10 sonnel on best practices for origi-  
11 nating and transmitting an alert  
12 through the public alert and warning  
13 system; and

14                         “(IV) the procedures, protocols,  
15 and guidance concerning the protec-  
16 tive action plans that State, tribal,  
17 and local governments should issue to  
18 the public following an alert issued  
19 under the public alert and warning  
20 system.”;

21 (B) in paragraph (7)—

22                         (i) in subparagraph (A)—

23                         (I) by striking “Not later than”  
24 and inserting the following:

1                     “(i) INITIAL REPORT.—Not later  
2                     than”;

3                     (II) in clause (i), as so des-  
4                     ignated, by striking “paragraph (6)”  
5                     and inserting “clauses (i) and (ii) of  
6                     paragraph (6)(B)”; and

7                     (III) by adding at the end the  
8                     following:

9                     “(ii) SECOND REPORT.—Not later  
10                    than 18 months after the date of enact-  
11                    ment of the Authenticating Local Emer-  
12                    gencies and Real Threats Act of 2018, the  
13                    Subcommittee shall submit to the National  
14                    Advisory Council a report containing any  
15                    recommendations required to be developed  
16                    under paragraph (6)(B)(iii) for approval  
17                    by the National Advisory Council.”; and

18                     (ii) in subparagraph (B), by striking  
19                     “report” each place that term appears and  
20                     inserting “reports”; and

21                     (C) in paragraph (8), by striking “3” and  
22                     inserting “5”; and

23                     (2) in subsection (c), by striking “and 2018”  
24                     and inserting “2018, 2019, 2020, and 2021”.

1   **SEC. 4. INTEGRATED PUBLIC ALERT AND WARNING SYS-**

2                   **TEM PARTICIPATORY REQUIREMENTS.**

3       The Administrator shall—

4                   (1) consider the recommendations submitted by  
5       the Integrated Public Alert and Warning System  
6       Subcommittee to the National Advisory Council  
7       under section 2(b)(7) of the Integrated Public Alert  
8       and Warning System Modernization Act of 2015  
9       (Public Law 114–143; 130 Stat. 331), as amended  
10      by section 3 of this Act; and

11                  (2) not later than 120 days after the date on  
12      which the recommendations described in paragraph  
13      (1) are submitted, establish minimum requirements  
14      for State, tribal, and local governments to partici-  
15      pate in the public alert and warning system con-  
16      sistent with all public notice rules and regulations in  
17      law.

18   **SEC. 5. INCIDENT MANAGEMENT AND WARNING TOOL VALI-**  
19                   **DATION.**

20                  (a) IN GENERAL.—The Administrator shall establish  
21      a process to ensure that an incident management and  
22      warning tool used by a State, tribal, or local government  
23      to originate and transmit an alert through the public alert  
24      and warning system meets the minimum requirements es-  
25      tablished by the Administrator under section 4(2).

1       (b) REQUIREMENTS.—The process required to be es-  
2 tablished under subsection (a) shall include—

3                 (1) the ability to test an incident management  
4 and warning tool in the public alert and warning  
5 system lab;

6                 (2) the ability to certify that an incident man-  
7 agement and warning tool complies with the applica-  
8 ble cyber frameworks of the Department of Home-  
9 land Security and the National Institute of Stand-  
10 ards and Technology;

11                 (3) a process to certify developers of emergency  
12 management software; and

13                 (4) requiring developers to provide the Adminis-  
14 trator with a copy of and rights of use for ongoing  
15 testing of each version of incident management and  
16 warning tool software before the software is first  
17 used by a State, tribal, or local government.

18 **SEC. 6. REVIEW AND UPDATE OF MEMORANDA OF UNDER-  
19 STANDING.**

20       (a) IN GENERAL.—The Administrator shall review  
21 the memoranda of understanding between the Agency and  
22 State, tribal, and local governments with respect to the  
23 public alert and warning system to ensure that all agree-  
24 ments ensure compliance with any minimum requirements  
25 established by the Administrator under section 4(2).

1       (b) FUTURE MEMORANDA.—The Administrator shall  
2 ensure that any new memorandum of understanding en-  
3 tered into between the Agency and a State, tribal, or local  
4 government on or after the date of enactment of this Act  
5 with respect to the public alert and warning system en-  
6 sures that the agreement requires compliance with any  
7 minimum requirements established by the Administrator  
8 under section 4(2).

9 **SEC. 7. MISSILE ALERT AND WARNING AUTHORITIES.**

10     (a) IN GENERAL.—

11           (1) AUTHORITY.—The authority to originate an  
12 alert warning the public of a missile launch directed  
13 against a State using the public alert and warning  
14 system shall reside solely with the Federal Govern-  
15 ment.

16           (2) ACTIVATION OF SYSTEM.—Upon verification  
17 of a missile threat, the President, utilizing estab-  
18 lished authorities, protocols and procedures, may ac-  
19 tivate the public alert and warning system.

20     (b) REQUIRED PROCESSES.—The Secretary of  
21 Homeland Security, acting through the Administrator,  
22 shall establish a process to promptly notify a State warn-  
23 ing point, and any State entities that the Administrator  
24 determines appropriate, of follow-up actions to a missile  
25 launch alert so the State may take appropriate action to

1 protect the health, safety, and welfare of the residents of  
2 the State following the issuance of an alert described in  
3 subsection (a)(1) for that State.

4 (c) GUIDANCE.—The Secretary of Homeland Secu-  
5 rity, acting through the Administrator, shall work with the  
6 Governor of a State warning point to develop and imple-  
7 ment appropriate protective action plans to respond to an  
8 alert described in subsection (a)(1) for that State.

9 (d) STUDY AND REPORT.—Not later than 1 year  
10 after the date of enactment of this Act, the Secretary of  
11 Homeland Security shall—

12 (1) examine the feasibility of establishing an  
13 alert designation under the public alert and warning  
14 system that would be used to alert and warn the  
15 public of a missile threat while concurrently alerting  
16 a State warning point so that a State may activate  
17 related protective action plans; and

18 (2) submit a report of the findings under para-  
19 graph (1), including of the costs and timeline for  
20 taking action to implement an alert designation de-  
21 scribed in paragraph (1), to—

22 (A) the Subcommittee on Homeland Secu-  
23 rity of the Committee on Appropriations of the  
24 Senate;

## **8 SEC. 8. AWARENESS OF ALERTS AND WARNINGS.**

9        Not later than 1 year after the date of enactment  
10 of this Act, the Administrator shall—

11 (1) conduct a review of—

14 (B) the National Watch Center and each  
15 Regional Watch Center of the Agency; and

(A) an assessment of the technical capability of the Emergency Operations Center and the National and Regional Watch Centers described in paragraph (1) to be notified of alerts

1           and warnings issued by a State through the  
2           public alert and warning system;

3           (B) a determination of which State alerts  
4           and warnings the Emergency Operations Center  
5           and the National and Regional Watch Centers  
6           described in paragraph (1) should be aware of;  
7           and

8           (C) recommendations for improving the  
9           ability of the National and Regional Watch  
10          Centers described in paragraph (1) to receive  
11          any State alerts and warnings that the Admin-  
12          istrator determines are appropriate.

13 **SEC. 9. TIMELINE FOR COMPLIANCE.**

14          Each State shall be given a reasonable amount of  
15          time to comply with any new rules, regulations, or require-  
16          ments imposed under this Act or the amendments made  
17          by this Act.

